IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

WA.No. 493 of 2004(E)

AGAINST THE JUDGEMENT IN OP.31135/2002 Dated 25/10/2002

.....

APPELLANT/NOT PARTY TO THE O.P.

T.B.ALIYAR, S/O.T.S.BAVA, THAILAL HOUSE,
CHOORAKKODU, KIZHAKKAMBALAM, ERNAKULAM DISTRICT.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL

RESPONDENTS/PETITIONER AND RESPONDENTS IN O.P.

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1. TOGY GEORGE, NELLIKUNEL,
KADALIKKAD, MUVATTUPUZHA.

2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, ERNAKULAM.

3. NANDAKUMAR.C. PATHUVALLY KALAThIL HOUSE,
AROOR, CHERTHALA.

R1 BY ADV. SRI.K.V.GOPINATHAN NAIR
R2 BY SR. GOVERNMENT PLEADER SMT. R. MEERA.
R3 BY ADV. SRI.P.GOPALAKRISHNA MENON
ADV. SRI.M.JITHESH MENON

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 19/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.A. No. 493 OF 2004

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Dated this the 19th June, 2007

J U D G M E N T

H.L. Dattu, C.J.:

Challenging the correctness or otherwise of the judgment of the learned single Judge in O.P.No. 31135 of 2002 dated 25.10.2002, a third party has filed this appeal.

2. While disposing of the Original Petition, the learned single Judge had only directed the first respondent in the Original Petition to consider the representation filed by the petitioner therein. The representation referred to therein was for assigning appropriate time between two stage carriage operators.

3. The grievance of the appellant before us is that if the representation of the petitioner in the Original Petition is considered and an order is passed, there may be a possibility of unsettling of the time assigned to him, by the Secretary, the first respondent in the Original Petition.

4. In a scenario like this, if we direct the Secretary, the first respondent in the Original Petition/the second respondent herein, that, while considering Ext.P1 representation filed by the petitioner in the Original Petition/first respondent herein, he would also issue notice to the

appellant in this appeal and, after affording an opportunity of being heard, would pass appropriate orders, in our opinion, it would serve the purpose of this Writ Appeal.

5. Accordingly, the following:

O R D E R

i) Writ Appeal is disposed of.

ii) The first respondent in the Original Petition/second respondent herein, while considering Ext. P1 representation filed by the petitioner in the Original Petition/first respondent herein, for assigning appropriate time between two stage carriage operators, will also hear the appellant in this Writ Appeal and pass appropriate orders, in accordance with law.

iii) I.A.Nos. 793 and 1827 of 2004 are also disposed of.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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